

REMARKS

The only outstanding rejection is a non-statutory obviousness-type double patenting rejection.

Double Patenting

Claims 23-67 were rejected based on non-statutory obviousness-type double patenting. Applicants respectfully acknowledge the indication at page 3, 2d paragraph, of the March 7, 2007 Office Action that filing a terminal disclaimer would obviate this rejection and render the pending claims allowable. A Terminal Disclaimer was previously filed. This Disclaimer was approved and then disapproved. No notice was sent to Applicants. However, the documents were available on the USPTO PAR pages. Applicants questioned the status which resulted in the approval being removed.

Applicants express their appreciation to Examiner Chandra for his efforts in clarifying status and a process to advance this application to allowance. Examiner Chandra indicated that addition of a sentence in the Disclaimer at the end of the first paragraph specifically stating that the interest was in the whole invention and was a 100% interest would clear the application for allowance. In accordance with the revised Terminal Disclaimer reconsideration and withdrawal of this rejection are respectfully requested.

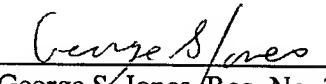
Conclusion

In view of the above remarks and filing a revised Terminal Disclaimer, Applicants respectfully request reconsideration and withdrawal of all pending objections and rejections. Applicants respectfully submit that the application is now in condition for allowance and request prompt issuance of a Notice of Allowance. Should the Examiner believe that anything further is desirable that might put the application in even better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

Fees

No fees not otherwise provided for are believed to be necessitated by the instant response. However, should this be in error, authorization is hereby given to charge Deposit Account no. 18-1982 for any underpayment, or to credit any overpayments

Respectfully submitted,


George S. Jones
George S. Jones, Reg. No. 38,508
Attorney for Applicant

Sanofi-aventis U.S. Inc.
Patent Department
Route #202-206 / P.O. Box 6800
Bridgewater, NJ 08807-0800
Telephone (908) 231-3776
Telefax (908) 231-2626

Docket No. DEAV1999/L042 US CNT1